Improvement Res. No. 1323-1972

Vacation —
Wabash Ave

Resolution Adopted:

OCTOBER 18, 1972

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

OCTOBER 26, 1972

B.O. 59-70

DECLARATORY RESOLUTION NO. 1323-1972

for the vacation Wabash Avenue from the south property line of Washington Boulevard to the north property line of Hunphrey Street.

ADOPTED: October 18, 1972

ADVERTISE NOTICE TO PROPERTY OWNERS:

NOTICES MAILED:

HEARING ON CONFIRMATION:

CONFIRMED: Oct. 26, 1972

ASSESSMENT ROLL ORDERED: B. & D. Oct. 18, 1972

ASSESSMENT ROLL APPROVED: Oct. 26, 1972

HEARING ON CONFIRMATION OF ASSM'T ROLL:

NOTICE SERVED:

ASSESSMENT ROLL CONFIRMED:

59-19-6

DECLARATORY RESOLUTION No. 1323 19 72

For the Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ Wabash Avenue from the south property line of Washington Boulevard to the north property line of Humphrey Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate Wabash Avenue from the south property line of Washington Boulevard to the north property line of Humphrey Street.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of said street as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ of said street shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots 104, 105 and 88 to 94 inclusive, all in White's 1st Addition. Said addition is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described~~ street shall be subject to an easement ~~for the use of the~~ City of Fort Wayne, Indiana, and ~~other public utilities for the construction~~ and maintenance of sewers, ~~water mains, gas~~ mains, electric pole lines and conduits, telephone and telegraph pole lines ~~and conduits.~~

All Streets, lots and lands affected by the above described vacation are situated in the southwest quarter of Section Six, Township 30 north, Range 13 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 18th DAY OF October 19 72.

Attest:

Secretary Board of Public Works.

Board of Public Works.

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

59-18-6

B.O. 59-1970

Date October 18, 1972

To CITY ENGINEERING DEPARTMENT

Subject Dec. Imp. Res. No. 1323-1972 - Vacation of Wabash Avenue

Prepare Assessment Roll of Benefits $1.00 and Damages $1.00.

J. D. Boswell
R. L. Bonar
W. G. Williams
BOARD OF PUBLIC WORKS

ajf

Enc. Resolution and P.O. List

RECEIVED
OCT 19 1972
CITY ENGINEERING DEPT.

Signed

Reply:

October 20, 1972

Assessment roll of benefits and damages completed and attached.

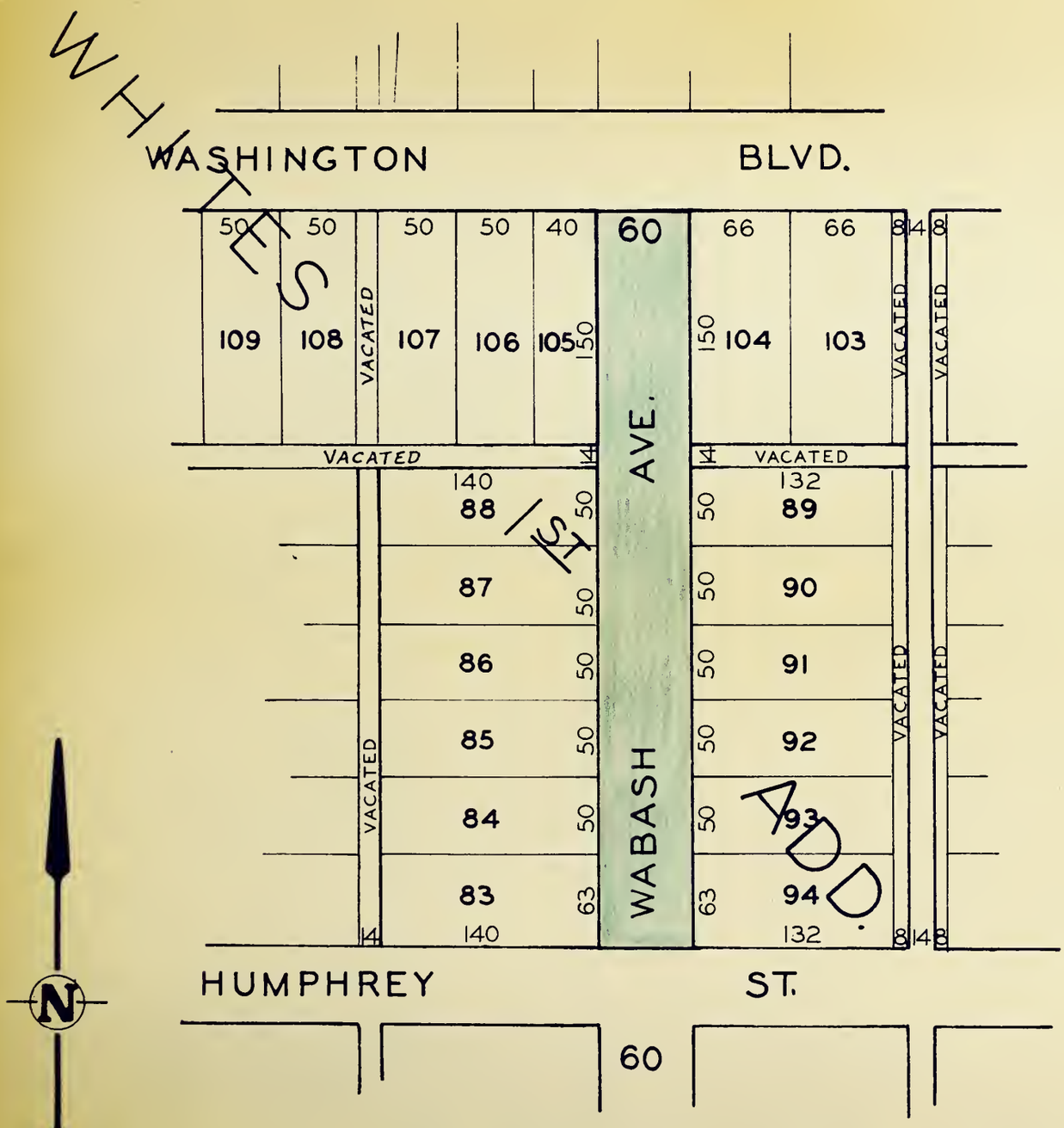
Kenneth N. Traylor
Street Engineer

lc
attachs.

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

STREET TO BE VACATED



1323

B.O. 59-1970

59-18-6

October 18, 1972

CITY ENGINEERING DEPARTMENT

Dec. Imp. Res. No. 1323-1972 - Vacation of Wabash Avenue

Prepare Assessment Roll of Benefits $1.00 and Damages $1.00.

J. D. Boswell
R. L. Bonar
W. G. Williams
BOARD OF PUBLIC WORKS

ajf

Enc. Resolution and P.O. List

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

55-33-8

B.O.59-70

Date April 6, 1970

To City Engineer

Subject Vacation - Wabash Avenue

Received a petition to Vacate Wabash Avenue between Washington Boulevard and Humphrey Street from the south property line of Washington Boulevard to the north property line of Humphrey Street, as it now exists.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl. copy of petition

Signed

Reply:

October 16, 1972

Declaratory Resolution, Drawing and Property Ownership list completed and attached.

All easements have been obtained.

A waiver of public hearing is on file.

BOARD OF PUBLIC WORKS
RECEIVED
OCT 17 1972

Kenneth N. Traylor
Street Engineer

lc
attach.

59-19-6

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

file
1323-72

CERTIFICATION

I, Edna I. Smith, hereby certify that I am the duly appointed, acting and incumbent Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and, as such, the custodian of the records and minutes of said Board and that the attached is a true copy of the Board Minutes duly approved by said Board at its regular meeting on the 26th day of October, 1972, as shown in Minute Record Book 59, Page 33, Items 5 and 6.

Edna I. Smith, Clerk
BOARD OF PUBLIC WORKS

Subscribed and sworn to before me, this 10th day of November, 1972.

Notary Public

My Commission expires:
March 6, 1976

November 10, 1972

Mr. R. David Boyer
Helmke, Beams and Boyer
309 Standard Building
Fort Wayne, Indiana

Re: Declaratory Resolution 1323-1972 for the Vacation of Wabash Avenue from the South property line of Washington Boulevard to the North property line of Humphrey Street

Declaratory Resolution 1324-1972 for the Vacation of the alley between Wabash Avenue and Glasgow Avenue from the South property line of Washington Boulevard to the North property line of Humphrey Street

Dear Mr. Boyer:

Enclosed is a copy of a portion of the Minutes of the Board of Public Works for October 26, 1972, along with certification.

This is the final action required and said property was vacated as of this date.

Very truly yours,

_____
Clerk

EIS:rs
Attachment

November 19, 1970

Mr. L. Lewis Jones
Williams, Kerr and Jones
700 Colorado Building
Fort Worth, Texas

Dear Lewis:

Preliminary Resolution 1970-1971 for the Vacation of Magnolia Avenue from the South property line of Weatherford to the North property line of Rosedale, Ft. Worth, Texas.

Preliminary Resolution 1970-1971, for the Vacation of the alley between Hodgen Street and Gibson Avenue from the South property line of Weatherford to the North property line of Rosedale Street.

Dear Mr. Jones:

Enclosed is a copy of a portion of the minutes of the Board of Public Works for October 26, 1970, along with the following:

Copy of the final motion regarding the alleyway was vacated and of this letter.

Very truly yours,

Clerk

Encl.
Attachment

55-33-8

B.O.59-70

April 6, 1970

City Engineer

Vacation - Wabash Avenue

Received a petition to Vacate Wabash Avenue between Washington Boulevard and Humphrey Street from the south property line of Washington Boulevard to the north property line of Humphrey Street, as it now exists.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl. copy of petition

55-33-2

BOARD OF PUBLIC WORKS
RECEIVED
APR 3 1970

NOTED
F.S.E.
R.W.D.
G.F.G.
Date

PETITION

Fort Wayne, Ind., April 3, 1970

59

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate on Wabash Avenue, from Washington Boulevard to Humphrey Street respectfully petition for the passage of a resolution providing for the vacation of Wabash Avenue between Washington Boulevard and Humphrey Street from the South property line of Washington Boulevard to the North property line to Humphrey Street, as it now exists.

The undersigned further shows that it is the owner of all the real estate adjoining Wabash Avenue between Washington Boulevard and Humphrey Street; that said street is only lightly travelled and has not been heavily used for any public thoroughfare for many years last past; that adequate alternative access to Wabash Avenue's properties South of Humphrey Street exists and that eastbound on Maumee Avenue can turn onto Wabash Avenue and traffic westbound on Washington Boulevard can proceed South on Glasgow Avenue to Randall Street or South on Grant Avenue to Humphrey Street to Wabash Avenue; that traffic northbound from Maumee to Washington Boulevard or southbound from Washington Boulevard to Maumee can more effectively use Glasgow Avenue or Grant Avenue and that the intersections of Glasgow Avenue with Washington Boulevard and Maumee are controlled by traffic signals whereas the intersections of Wabash Avenue with Washington Boulevard and Maumee are not so controlled; that the only utilities in the area are for the sole purpose of serving your Petitioner and adequate alternative easements can be arranged with said utilities; that Petitioner will proceed with plans to locate additional loading facilities and a railroad spur track on said vacated street and by use of the spur track for loading product directly from Petitioner's plant will eliminate the necessity of traversing city streets with approximately eighty (80) semi-trucks trips per week to a warehouse thus eliminating certain amount of traffic congestion.

FALSTAFF BREWING CORPORATION OF INDIANA, INC.

By R. David Boyer,

Helmke, Philips & Beams
309 Standard Building
Fort Wayne, Indiana
422-7422 - Attorneys for Petitioner

PETITION

Fort Wayne, Ind., April 3, 1970

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate on Wabash Avenue, from Washington Boulevard to Humphrey Street respectfully petition for the passage of a resolution providing for the vacation of Wabash Avenue between Washington Boulevard and Humphrey Street from the South property line of Washington Boulevard to the North property line to Humphrey Street, as it now exists.

The undersigned further shows that it is the owner of all the real estate adjoining Wabash Avenue between Washington Boulevard and Humphrey Street; that said street is only lightly travelled and has not been heavily used for any public thoroughfare for many years last past; that adequate alternative access to Wabash Avenue's properties South of Humphrey Street exists and that eastbound on Maumee Avenue can turn onto Wabash Avenue and traffic westbound on Washington Boulevard can proceed South on Glasgow Avenue to Randall Street or South on Grant Avenue to Humphrey Street to Wabash Avenue; that traffic northbound from Maumee to Washington Boulevard or southbound from Washington Boulevard to Maumee can more effectively use Glasgow Avenue or Grant Avenue and that the intersections of Glasgow Avenue with Washington Boulevard and Maumee are controlled by traffic signals whereas the intersections of Wabash Avenue with Washington Boulevard and Maumee are not so controlled; that the only utilities in the area are for the sole purpose of serving your Petitioner and adequate alternative easements can be arranged with said utilities; that Petitioner will proceed with plans to locate additional loading facilities and a railroad spur track on said vacated street and by use of the spur track for loading product directly from Petitioner's plant will eliminate the necessity of traversing city streets with approximately eighty (80) semi-trucks trips per week to a warehouse thus eliminating certain amount of traffic congestion;

FALSTAFF BREWING CORPORATION OF INDIANA, INC.

By R. David Boyer

R. David Boyer,

Helmke, Philips & Beams
309 Standard Building
Fort Wayne, Indiana
422-7422 - Attorneys for Petitioner

1323

BOARD OF PUBLIC WORKS
RECEIVED
MAY 02 1972

April 28, 1972

NOTED
J.D.B.
R.L.B.
W.G.W
Date_____

Mr. John Logan
City Attorney
910 Lincoln Bank Tower
Fort Wayne, Indiana

Subject: Vacation of Wabash Avenue from Washington Boulevard to Humphrey Street

Dear John:

We have requested and received a letter of acknowledgment from Mr. William J. Healy, Vice President and Secretary Treasurer of the Falstaff Brewing Corporation, whereby they intend to inherit all the maintenance reconstruction reponsibilities for the sewers lying in Wabash Avenue as designated. Mr. Bonar has requested that I check with you on just how to handle this acknowledgment with regards to the vacation.

Basically, John, do you think that the face of this letter would suffice if recorded? If not, please resubmit to me your recommendation as to the form of legal language which will be acceptable to the City.

If you should need any further information in this matter, please do not hesitate in contacting this office.

Sincerely yours,

Philip R. Boller

Philip R. Boller, P.E.
Chief Water Pollution
Control Engineer

PRB/jw
CC: Board of Works ✓

file

City of Fort Wayne

ENGINEERING DEPARTMENT

CITY—COUNTY BUILDING
ONE MAIN STREET

FORT WAYNE, INDIANA 46802

BOARD OF PUBLIC WORKS
RECEIVED
APR 2 0 1972

April 19, 1972

Ron Bonar
Board of Public Works

Subject: Vacation of Wabash Avenue from Washington Boulevard to Humphrey Street

Dear Ron:

We have received a letter of acknowledgment from Mr. William J. Healy, Vice President and Secretary Treasurer of the Falstaff Brewing Corporation, whereby they intend to inherit all maintenance reconstruction responsibilities for the sewers lying in Wabash Avenue. I am not sure just how to handle this acknowledgment with regards to the vacation. Should this information be written into the language of the actual vacation; should we seek some other form of instrument; or do you think the face of this letter would suffice, if recorded?

Sincerely yours,

Philip R. Boller, P.E.
Chief Water Pollution
Control Engineer

PRB/CW/jw

Phil - Check with John Logan and proceed based on his opinion
Ron
4/25/72

gave to Phil
4-25

FALSTAFF BREWING CORPORATION 1025 GRANT STREET P.O. BOX 926 FORT WAYNE, INDIANA 46801

April 12, 1972

Mr. Phillip R. Boller, P.E.
Chief Water Pollution Control Engineer
City of Fort Wayne
City-County Building
1 Main Street
Fort Wayne, Indiana 46802

RE: Vacation Of Wabash Avenue From Washington Boulevard
To Humphrey Street

Dear Mr. Boller:

This will confirm your letter of March 21, 1972, in which you referred to a commitment by this company to maintain certain sanitary and storm sewer facilities that serve only our Fort Wayne plant.

We understand that the facilities in question extend from manholes on East Washington Boulevard south through that part of Wabash Avenue for which vacation is sought, and extend into Humphrey Street where they serve some of our facility west of Wabash Avenue on Humphrey Street.

To facilitate the vacation of the above described portion of Wabash Avenue, Falstaff Brewing Corporation hereby agrees to undertake full responsibility to maintain, construct, and reconstruct said sanitary and storm facilities from their connection into the manholes located in Washington Boulevard to their southern terminus in Humphrey Street.

Thank you very much for your fine cooperation in this matter.

Yours truly,

FALSTAFF BREWING CORPORATION

William J. Healy
Vice President and
Secretary Treasurer

RECEIVED
APR 17 1972
Water Pollution Control Engr. Dept.
City-County Building, One Main St.
Ft. Wayne, Indiana 46802

City of Fort Wayne

CITY OF FORT WAYNE · KE-KI-ON-GA · INDIANA

BOARD OF PUBLIC WORKS
RECEIVED
MAR 23 1972

ENGINEERING DEPARTMENT

CITY—COUNTY BUILDING
ONE MAIN STREET

FORT WAYNE, INDIANA 46802

March 21, 1972

NOTED
J.D.B.
R.L.B.
W.G.W
Date_____

Mr. James Grove, Supervisor
Falstaff Brewing Corporation
1025 Grant
Fort Wayne, Indiana

Subject: Vacation of Wabash Avenue from Washington Boulevard to Humphrey Street

Dear Sir:

You will recall, in your conversations with Mr. Wickensheimer of the Water Pollution Control Engineering Department, that with your new spur line facilities you would like to vacate the portion of Wabash Avenue mentioned above. You inquired what kind of easement would be required for the sanitary and storm facilities. Since the spur line was designed to be located immediately over one of these facilities, it presented a problem of maintenance making it difficult for our department to approve.

Upon your suggestion, in which you agreed to maintain said sewers in lieu of an easement, and since you are the sole users of said sanitary and storm drainage systems, it appeared that this might be the easier way of resolving the problem.

In order to firm up such a commitment, it will be necessary for an executive of your corporation to acknowledge the sole maintenance, reconstruction or construction of any part of the sanitary and storm facilities from their connection into the manholes located in Washington Boulevard to their terminus South to and including Humphrey Street.

Your immediate attention in this matter will help expedite the confirmation of this vacation. If there are any questions, please feel free to contact Mr. Wickensheimer of this department.

Sincerely yours,

Philip R. Boller

Philip R. Boller, P.E.
Chief Water Pollution
Control Engineer

PRB/CW/jw
CC: Board of Works
Don Bodeker
John Moran

City of Fort Wayne

ENGINEERING DEPARTMENT

CITY—COUNTY BUILDING
ONE MAIN STREET
Room 740

FORT WAYNE, INDIANA 46802

BOARD OF PUBLIC WORKS
RECEIVED
MAR 20 1972

NO. ...
J.D.B.
R.L.B.
W.G.W
Date_____

March 17, 1972

General Telephone Company of Indiana
303 East Berry Street
Fort Wayne, Indiana 46802
Attention: Charles Leuenberger

Re: Vacation of Wabash Avenue between Washington Boulevard and Humphrey Street

Dear Mr. Leuenberger:

Your postcard reply for the above described vacation indicated that an easement would be required. Mr. Jim Groves of the Falstaff Corporation advised your facilities have been abandoned and/or relocated and an easement is no longer necessary.

In order that we may clear our records on this matter, we are enclosing another postcard which we would appreciate your marking and returning to us at your earliest convenience.

Yours very truly,

Donald E. Bodeker

Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works
(Board Order #59-70)

ENGINEERING
DEPT. OF STREETS

DATE March 9, 1972

TO: Water Pollution Control Engineering Department

SUBJECT: Vacation - Wabash Avenue

Re: Vacation of Wabash Avenue from Washington Boulevard to Humphrey Street.

The routing sheet for the above described street vacation indicated your department would require an easement for an existing sewer. Mr. Jim Groves of the Falstaff Corporation advises that Falstaff agreed to be responsible for the sewer and an easement is no longer necessary. Mr. Wickensheimer confirmed this statement verbally.

Please furnish a written memorandum to this effect for our records.

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc

cc: Board of Public Works
(Board Order #59-70)

Ron Bonar

NOTED
☑ J.D.B.
☑ R.L.B.
☑ W.G.W
Date

BOARD OF PUBLIC WORKS
RECEIVED
MAR 10 1972

City of Fort Wayne

ENGINEERING DEPARTMENT

CITY—COUNTY BUILDING
ONE MAIN STREET
Room 740

FORT WAYNE, INDIANA 46802

BOARD OF PUBLIC WORKS
RECEIVED
MAR 20 1972

NOTED
J.D.B.
R.L.B.
W.G.W
Date_____

March 17, 1972

Northern Indiana Public Service Corporation
114 East Wayne Street
Fort Wayne, Indiana 46802
Attention: C. H. Rohrer

Re: Vacation of Wabash Avenue between Washington Boulevard and Humphrey Street

Dear Mr. Rohrer:

Your postcard reply for the above described vacation indicated that an easement would be required. Mr. Jim Groves of the Falstaff Corporation advised your facilities have been abandoned and/or relocated and an easement is no longer necessary.

In order that we may clear our records on this matter, we are enclosing another postcard which we would appreciate your marking and returning to us at your earliest convenience.

Yours very truly,

Donald E. Bodeker
Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works
(Board Order #59-70)

May 21, 1970

Mr. Dan Boedeker
Office of Mgr. City Engineers'
425 South Calhoun Street
Fort Wayne, Indiana 46802

Subject: Wabash Avenue Vacation between Washington Blvd. and Humphrey Street.

Gentlemen:

Assuming that the Fort Wayne City Council will grant final approval on the above street vacation in the very near future, I have prepared a preliminary plat plan of the general area of the premises involved, of which I am enclosing five copies. These drawings are for your general information and review.

Since one of the restrictions were to upgrade Humphrey Street between Grant and Wabash Avenue, and because Wabash cannot be vacated until we put Humphrey in a serviceable condition, the resurfacing of Humphrey will be the first order of business. Although a final approval from the City Council is still pending, we propose to go ahead with the street improvement as specified by the Board of Public Works.

As this project progresses, we will keep you informed, and if you have any questions, please advise.

Yours very truly,

FALSTAFF BREWING CORPORATION

Harold Robertson

Harold Robertson, P.E.
Staff Engineer

HR:eb
Encl.

CC: Mr. Kenneth McGraw
Board of Public Works
Ft. Wayne, Indiana

Howard Carroll A. Torbeck Ed Griesedieck

EDW. J. GRIESEDIECK, JR.
PLANT GENERAL MANAGER

FALSTAFF BREWING CORPORATION 1025 GRANT STREET, FT. WAYNE, INDIANA 46801

May 19, 1970

Mr. Kenneth McGraw
Board of Public Works
Barr/Berry Streets
Fort Wayne, Indiana

Dear Mr. McGraw:

Attached for your information and files is a copy of our letter to Mr. Don Boedeker confirming our agreement to abide by the conditions imposed by the City Plan Commission in granting approval for the vacation of Wabash Street from East Washington Blvd. to Humphrey Street.

If any additional information is needed, please advise.

Sincerely,
FALSTAFF BREWING CORPORATION

Edw. J. Griesedieck Jr.

Edw. J. Griesedieck, Jr.
Plant General Manager

EDW. J. GRIESEDIECK JR.
PLANT GENERAL MANAGER

FALSTAFF BREWING CORPORATION 1025 GRANT STREET, FT. WAYNE, INDIANA 46801

May 19, 1970

Mr. Donald Boedeker, Office Manager
City Engineer's Office
425 South Calhoun Street
Fort Wayne, Indiana

Re: Vacation of Wabash Avenue between East Washington Boulevard and Humphrey Street

Dear Mr. Boedeker:

You have no doubt by this time been informed that the Plan Commission has granted our petition to vacate Wabash Avenue between East Washington Boulevard and Humphrey street.

This approval was, however, conditioned upon our agreement to assume the expense of upgrading Humphrey Street to City standards between Wabash Avenue and Grant Avenue, and upon our further agreement to pay any costs of necessary utility relocation in the vacated portion of Wabash Avenue.

At the Plan Commission, we gave our verbal agreement to these conditions. Realizing, however, that this agreement should be communicated in writing, we are herewith reaffirming our agreements as outlined above.

Naturally, we will be relying on you for necessary engineering data, specifications and cost figures, and for your direction as to how we should execute the agreements referred to above.

We appreciate very much the cooperation your office has extended to us in this matter. If there are any further questions which we or our attorneys can answer feel free to contact us.

cc: Messrs: K. MCGraw
T. L. Neu

Sincerely,
FALSTAFF BREWING CORPORATION

Edw. J. Griesedieck, Jr.
Plant General Manager

City of Fort Wayne

BOARD OF PUBLIC WORKS
RECEIVED
APR 23 1970

ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

FORT WAYNE, INDIANA

NOTED
F.S.E.
R.W.D.
G.F.G.
Date

April 23, 1970

Northern Indiana Public Service Company
Indiana & Michigan Electric Company
General Telephone Company of Indiana

We have received a petition to vacate the following:

Wabash Avenue from the south property line of Washington Boulevard to the north property line of Humphrey Street.

Please check your easement requirements on the enclosed post card and return to us as soon as possible.

Very truly yours,

Donald E. Bodeker

Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works
(Board Order No. 59-1970)

April 23, 1970

William J. Jones
City Plan Director

Thomas Manny
City Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacation:

Wabash Avenue from the south property line of Washington Boulevard to the north property line of Humphrey Street.

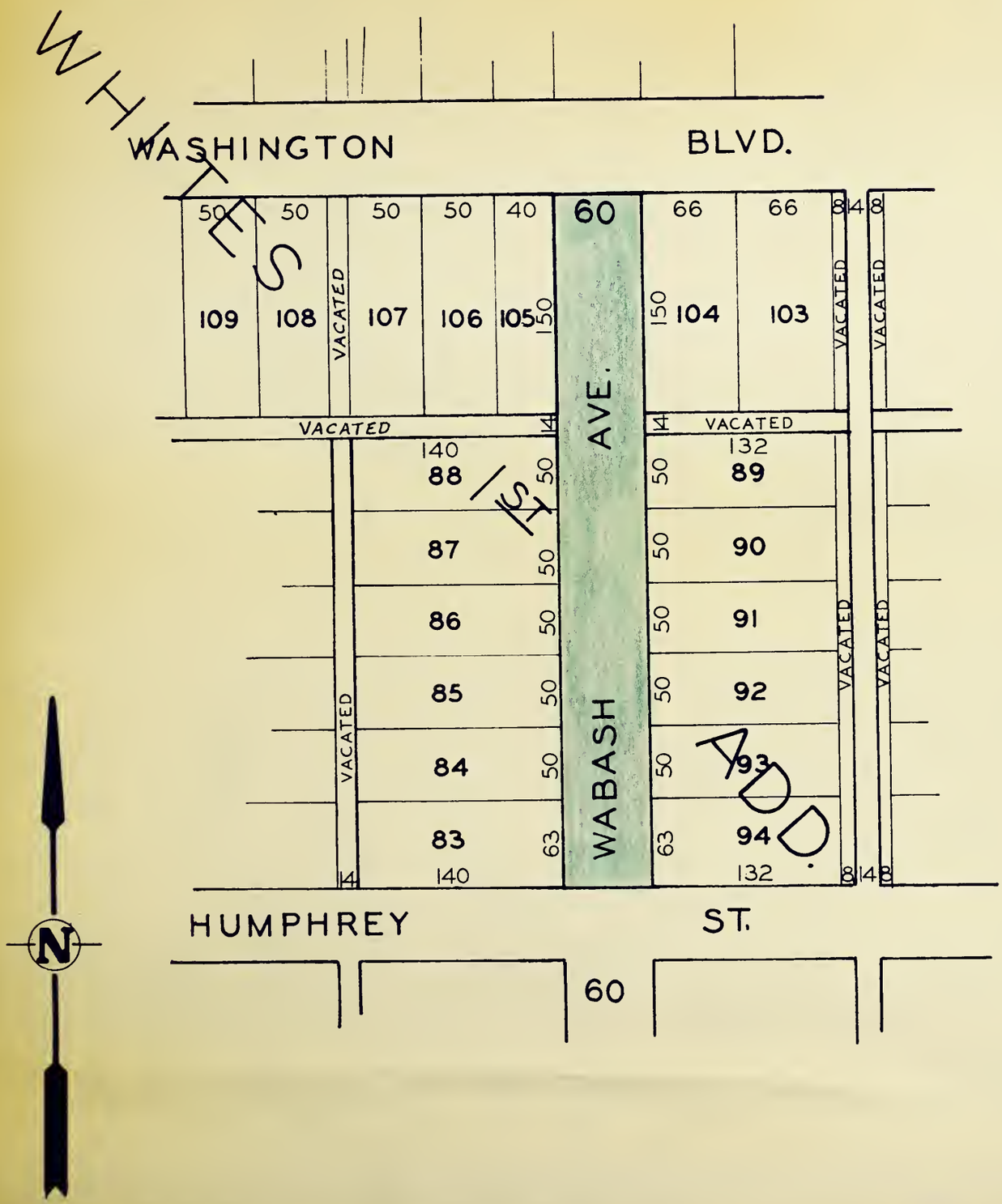
Donald E. Bodeker

Donald E. Bodeker
Office Manager

DEB:lc
attachs.

cc: Board of Public Works
(Board Order No. 59-1970)

STREET TO BE VACATED



HELMKE, BEAMS & BOYER
COUNSELORS AT LAW
309 STANDARD BLDG.
FORT WAYNE, INDIANA 46802

WALTER E. HELMKE
GLEN J. BEAMS
WALTER P. HELMKE
R. DAVID BOYER

ROBERT A. WAGNER

TELEPHONE
422-7422
(AREA CODE 219)

August 23, 1972

BOARD OF PUBLIC WORKS
RECEIVED
AUG 24 1972

Dr. Jerry Boswell, Chairman
Board of Public Works
City of Fort Wayne

Re: Falstaff Vacation Petitions

Dear Dr. Boswell:

Attached herewith please find original and two copies of a Sewer Maintenance Agreement covering the sewer located in the part of Wabash Avenue to be vacated.

This agreement was requested by the Board at the suggestion of the Water Pollution Control Engineering Department.

Your attorney, John Logan, has examined the agreement and advised me verbally that the form was acceptable. Consequently, I have had Falstaff execute all copies.

I would appreciate having one of the copies returned to me afer execution by the City.

I assume this removes the last obstacle to completion to both Falstaff vacation petitions now pending before the Board.

Thanks very much for your cooperation.

Yours truly,

HELMKE, BEAMS & BOYER

R. David Boyer

RDB/rar
Enclosures

cc: John Logan, Esquire
Associate City Attorney

P.S. Please inform me of any developments in the vacation petitions.

WAIVER OF NOTICE OF PUBLIC HEARING

TO THE BOARD OF PUBLIC WORKS, CITY OF FORT WAYNE, CITY-COUNTY BUILDING
FORT WAYNE, INDIANA:

Falstaff Brewing Corporation of Indiana, Inc., has filed this petition with the Board of Public Works for the vacation of the following described street:

> Wabash Avenue between Washington Boulevard and Humphrey Street from the South property line of Washington Boulevard to the North property line of Humphrey Street as they now exist, which street is bounded on the West by Lots numbered 83, 84, 85, 86, 87, 88 and 105 in White's First Addition to the City of Fort Wayne, and on the West by Lots numbered 94, 93, 92, 91, 90, 89 and 104 all in White's First Addition to the City of Fort Wayne, Indiana.

The aforesaid parcels of real estate are solely owned by Falstaff Brewing Corporation of Indiana, Inc., and abut the aforesaid street and therefore Falstaff does, by this instrument, hereby waive notice of public hearing on this petition for the vacation of said street.

Executed this 18th day of September, 1972.

Earl E. Thompson
Operations Manager
Falstaff Brewing Corporation of
Indiana, Inc.

RECEIVED
BOARD OF PUBLIC WORKS
CITY OF FT. WAYNE, IND.
OCT 13 1972
SEC'Y

September 6, 1972

Mr. R. David Boyer
309 Standard Building
Fort Wayne, Indiana

Dear Mr. Boyer:

Attached is the executed copy of Sewer Maintenance Agreement in connection with the Vacation of a portion of Wabash Avenue, as requested.

Yours truly,

BOARD OF PUBLIC WORKS

Edna L. Smith

Clerk

EIS:rs
Attachment

September 4, 1972

Mr. J. David Boyer
The Crosby Building
Oak Ridge, Indiana

Dear Mr. Boyer:

Enclosed is the executed copy of Exhibit Partnership Agreement
in connection with the creation of a portion of Indian Lakes
Apartments.

Very truly,

CLARKSON WILLIAMS CORPORATION

By: _____

Pres.

ESTP:
Enclosure

B.O. 59-70 September 6, 1972

Mr. Phil Boller, WPC Engineering

Sewer Maintenance Agreement for Falstaff

Attached is a copy of the above in connection with the vacation of a portion of Wabash Avenue.

The same has been forwarded to Street Engineering.

BOARD OF PUBLIC WORKS

Edna L. Smith

Clerk

/rs
Att.
cc: Street Eng.

SEWER MAINTENANCE AGREEMENT

This agreement by and between FALSTAFF BREWING CORPORATION, hereinafter referred to as "FALSTAFF", and the CITY OF FORT WAYNE, INDIANA, acting by and through its Board of Public Works, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, FALSTAFF is the owner of all land abutting on and adjoining Wabash Avenue between Washington Boulevard and Humphrey Street in the City of Fort Wayne, Allen County, Indiana; and

WHEREAS, the vacation of the aforementioned portion of Wabash Avenue has been determined to be in the best interest of all parties by FALSTAFF, the Fort Wayne City Plan Commission and the Common Council of the City of Fort Wayne, Indiana; and

WHEREAS, there is located within said described Wabash Avenue storm and sanitary sewer facilities servicing exclusively buildings owned and operated by FALSTAFF;

NOW THEREFORE, it is agreed among the parties in consideration of the foregoing and of the mutual considerations hereinafter contained as follows:

1. FALSTAFF agrees to assume and does hereby assume the full responsibility for the maintenance, repair and any necessary reconstruction of any and all storm and sanitary sewer facilities now located in Wabash Avenue as hereafter described.

2. The sewers which are subject to this agreement are those sewers extending from manholes located in East Washington Boulevard through Wabash Avenue to the southern terminus of said sewers located in Humphrey Street.

3. CITY agrees to deliver responsibility for such maintenance, repair or reconstruction to FALSTAFF and to continue acceptance of sanitary or storm water discharge on the same basis as

from other sewers maintained by the CITY itself.

4. This agreement shall be binding upon any successor to FALSTAFF who purchases facilities served by said sewers.

IN WITNESS WHEREOF we have subscribed our hands and seals this 17th day of August, 1972.

FALSTAFF BREWING CORPORATION

By _____
Arthur J. Tonna
Vice President - Brewery Operations

ATTEST:

_____

CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS

By _____
Jerry D. Boswell, Chairman

By _____
Ronald R. Bonar

By _____
William G. Williams

CITY OF ST. LOUIS)
) SS:
STATE OF MISSOURI)

Before the undersigned notary public personally appeared Arthur J. Tonna and _____ the _____ and _____ respectively of Falstaff Brewing Corporation and acknowledged the execution of of the above and foregoing SEWER MAINTENANCE AGREEMENT as their free and voluntary act as the duly authorized Officers of said cor-

poration.

Witness my hand and seal this 17th day of August, 1972.

Virginia A. Frost

Notary Public

My Commission Expires:
March 18, 1976

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before the undersigned notary public in and for said County and State personally appeared Jerry D. Boswell, Ronald R. Bonar and ~~William G. Williams~~, the members of the BOARD OF PUBLIC WORKS of the CITY OF FORT WAYNE, INDIANA, and acknowledged the execution of the above and foregoing sewer maintenance agreement as their free and voluntary act as the duly authorized members of the Board of Public Works of the City of Fort Wayne, Indiana, for the use and purposes therein stated.

Edna L. Smith

Notary Public

My Commission Expires:
Oct 13, 1972

This agreement is hereby approved as to form and legality.

John H. Logan

John H. Logan, Associate
City Attorney

This Instrument Prepared By: R. DAVID BOYER, Attorney at Law

HELMKE, BEAMS & BOYER
309 Standard Building
Fort Wayne, Indiana

HELMKE, BEAMS & BOYER
309 Standard Building
Fort Wayne, Indiana

62-344-16 11/25/75

75- 25408

1975 NOV 21 PM 1:55
ALLEN COUNTY RECORDER
Jane E. Gilbert

SEWER MAINTENANCE AGREEMENT

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WHEREAS, there is located within said described Wabash Avenue storm and sanitary sewer facilities servicing exclusively buildings owned and operated by FALSTAFF;

NOW THEREFORE, it is agreed among the parties in consideration of the foregoing and of the mutual considerations hereinafter contained as follows:

1. FALSTAFF agrees to assume and does hereby assume the full responsibility for the maintenance, repair and any necessary reconstruction of any and all storm and sanitary sewer facilities now located in Wabash Avenue as hereafter described.

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3. CITY agrees to deliver responsibility for such maintenance, repair or reconstruction to FALSTAFF and to continue acceptance of sanitary or storm water discharge on the same basis as

City Bof
Water Pollution Control

C-
4.50

from other sewers maintained by the CITY itself.

4. This agreement shall be binding upon any successor to FALSTAFF who purchases facilities served by said sewers.

IN WITNESS WHEREOF we have subscribed our hands and seals this 17th day of August, 1972.

FALSTAFF BREWING CORPORATION

By _____
Arthur J. Tonna
Vice President - Brewery Operations

ATTEST:

_____

CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS

By _____
Jerry D. Boswell, Chairman

By _____
Ronald L. Bonar

By _____
William G. Williams

CITY OF ST. LOUIS)
) SS:
STATE OF MISSOURI)

Before the undersigned notary public personally appeared Arthur J. Tonna and _____ the _____ and _____ respectively of Falstaff Brewing Corporation and acknowledged the execution of of the above and foregoing SEWER MAINTENANCE AGREEMENT as their free and voluntary act as the duly authorized Officers of said cor-

poration.

Witness my hand and seal this 17th day of August, 1972.

Virginia R. Frost

Notary Public

My Commission Expires:
March 18, 1976

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before the undersigned notary public in and for said County and State personally appeared Jerry D. Boswell, Ronald R. Bonar and ~~William G. Williams~~, the members of the BOARD OF PUBLIC WORKS of the CITY OF FORT WAYNE, INDIANA, and acknowledged the execution of the above and foregoing sewer maintenance agreement as their free and voluntary act as the duly authorized members of the Board of Public Works of the City of Fort Wayne, Indiana, for the use and purposes therein stated.

Ann L. Smith

Notary Public

My Commission Expires:
Oct. 13, 1972

This agreement is hereby approved as to form and legality.

John H. Logan

John H. Logan, Associate
City Attorney

This Instrument Prepared By: R. DAVID BOYER, Attorney at Law

~~Improvement~~ DECLARATORY Resolution No. 1323-72 For THE VACACTION OF WABASH AVENUE FROM THE SOUTH PROPERTY LINE OF WASHINGTON BOULEVARD TO THE NORTH PROPERTY LINE OF HUMPHREY STREET

	OWNER'S NAME	ADDRESS	NUMBER OF LOT	NUMBER OF BLOCK	NUMBER OF O. L.	DESCRIPTION
1	FALSTAFF BREWING CORP.	1025 Grand Ave	83			WHITE'S ST ADD
2	" " "		84			
3	" " "		85			
4	" " "		86			
5	" "		87			
6	" "		88 + 1/2 VAC. ALLEY			
7	" " "		89 + 1/2 VAC. ALLEY			
8	" " "		90			
9	" " "		91			
10	" " "		92			
11	" " "		93			
12	" " "		94 N 1/2			
13	" " "		94 S 1/2			
14	" " "		104 + 1/2 VAC ALLEY			
15	" " "		105 + 1/2 VAC ALLEY			
16						
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1323-72